

**MOOREFIELD STATION
ZMAP 2001-0003**



**ZMOD 2007-0005
ZONING ORDINANCE MODIFICATION CONTAINING CLARIFICATIONS
FOR THE PD-TRC ZONING DISTRICT**

AND

**ZCPA 2007-0004
CONCEPT PLAN AMENDMENT FOR THE CDP APPROVED
WITH ZMAP 2001-0003**

**December 13, 2007
Revised June 18, 2008
Revised December 3, 2008**

STATEMENT OF JUSTIFICATION

A. Summary

Pursuant to Section 6-1504 of the Revised Loudoun County 1993 Zoning Ordinance, The Claude Moore Charitable Foundation (CMCF), CTD Moorefield Retail, LLC (CTDMR), CTD Offsite, LLC (CTDO), Moorefield Station West Homeowners Association, Inc. (HOA) and Fairfax Investment, LP (FI), hereinafter sometimes referred to as “Moorefield Station Owners ” or “Owners”, request modifications of the Revised 1993 Zoning Ordinance, specifically to Sections 4-1117, 4-1119 and 4-1121 of the PD-TRC District (originally adopted November 4, 2002) for Moorefield Station, a transit oriented development (“Moorefield Station”) which modifications the Owners feel will improve upon the existing Ordinance and will further clarify the intent of ZMAP 2001-0003 without increasing the overall density of Moorefield Station. Moorefield Station Owners are also proposing certain amendments to the Concept Development Plan originally adopted for Moorefield Station with ZMAP 2001-0003. Minor conforming

Proffer changes are also proposed along with a proffer amendment to clarify what qualifies as “reasonable continuity of building facades” for purposes of Section 4-1117(B) Parking Requirements in the Ordinance and a proffer of substantial compliance with the specific methods set forth on Sheet 8 and Exhibits A and E to adhere to this clarification.

Applicants are the current owners of approximately 582.48 acres known as Moorefield Station. CMCF owns PIN #'s 120-29-7420 and 089-25-8906; CTDMR owns PIN #'s 121-37-7500; 121-38-0079; 120-17-0779 and 121-47-6384; CTDO owns PIN # 120-38-9029; HOA owns PIN #'s 121-47-3874; 121-27-4161; 121-26-8920; 121-37-2401 and 121-37-1397 and FI owns PIN #s 121-27-5223; 121-27-5226; 121-27-5229; 121-27-5232; 121-27-5335; 121-27-5339; 121-27-5442; 121-27-5445; 121-27-5548; 121-27-5551; 121-37-5873; 121-37-5877; 121-37-5879; 121-37-5882; 121-37-5885; 121-37-5888; 121-37-5891; 121-37-5796; 121-37-5700; 121-37-5602; 121-37-5606; 121-37-5511; 121-37-5514; 121-37-5417; 121-37-5320; 121-37-3601; 121-37-3698; 121-37-3696; 121-37-3693; 121-37-3790; 121-37-3788; 121-37-3786; 121-37-3783; 121-37-3780; 121-37-3778; 121-37-3776; 121-37-3774; 121-27-3565; 121-27-3563; 121-27-3561; 121-27-3459; 121-27-3456; 121-27-3453; 121-27-3351; 121-27-3349; 121-27-3346; 121-27-3243; 121-27-3241; 121-27-3239; 121-27-3136; 121-27-3228; 121-27-2927; 121-27-2727; 121-27-2527; 121-27-2227; 121-27-1927; 121-27-2235; 121-27-2240; 121-27-2344; 121-27-2448; 121-27-2452; 121-27-2557; 121-27-2561; 121-27-2665; 121-37-2877; 121-37-2881; 121-37-2885; 121-37-2790; 121-37-2794; 121-37-2798; 121-37-2604; 121-37-2707; 121-37-2810; 121-37-3013; 121-37-0204; 121-37-

0604; 121-37-0902; 121-37-1199; 121-37-1293; 121-37-1289; 121-37-1286; 121-37-1282; 121-37-0294; 121-37-0291; 121-37-0289; 121-37-0387; 121-37-0385; 121-37-0383; 121-37-0380; 121-37-0172; 121-37-0472; 121-37-0672; 121-37-0873; 121-37-1073; 121-37-1273; 121-37-1573; 121-26-9854; 121-27-0054; 121-27-0254; 121-27-0453; 121-27-0653; 121-27-0853; 121-27-1152; 121-27-0744; 121-27-0742; 121-27-0740; 121-27-0638; 121-27-0636; 121-27-0633; 121-27-9946; 121-26-9943; 121-26-9841; 121-26-9839; 121-26-9837; 121-26-9735; 121-26-9732; 121-27-0625; 121-27-0425; 121-27-0125; 121-27-9925; 121-26-9725; 121-26-9424; 121-26-8623; 121-26-8323; 121-26-8123; 121-26-7923; 121-26-7723; 121-26-7424; 121-26-8331; 121-26-8434; 121-26-8436; 121-26-8437; 121-26-8540; 121-26-8542; 121-26-8645; 121-26-8646; 121-26-8649; 121-26-8751; 121-26-8754; 121-26-8756; 121-26-8857; 121-26-8860; 121-26-9068; 121-26-9070; 121-36-9072; 121-36-9074; 121-36-9076; 121-36-9178; 121-36-9082; 121-36-9084; 121-36-9086; 121-36-9088; 121-36-8989; 121-36-8992; 121-36-9000; 121-36-8499; 121-36-7997; 121-36-7495; 121-36-7988; 121-36-8182; 121-36-8276; 121-26-8171; 121-26-7961; 121-26-7855; 121-26-7749; 121-26-7743; 121-26-7638; 121-26-7532; 121-26-6554; 121-26-6562; 121-26-6669; 121-36-6676; 121-36-6583; 121-36-6088; and 121-36-3578 within the project (collectively referred to herein as the “Property”). Moorefield Station’s zoning classification is PD-TRC. The Dulles Greenway is to the north of the Property. To the South, adjacent land is residential and zoned R16, R2, R1, PDH3 and PDH4. To the east, adjacent land is vacant and zoned PD-TRC, PDIP and PDOP. To the west, adjacent land is vacant or residential and zoned R1, PDH3, PDH4, and PDIP.

The Board of Supervisors, in approving ZMAP 2001-0003 Moorefield Station, found that Moorefield Station achieves the intent of developing a Transit Oriented Development that is pedestrian and bicycle friendly, and contains a broad mix of uses featuring a variety of residential dwelling types, business opportunities and public and civic uses that act as an urban focal point for eastern Loudoun County and the Ashburn Community. Moreover, the development pattern of Moorefield Station was found to be configured in a traditional urban layout of interconnected streets that provide hierarchy of functions relative to the intended land uses. Moorefield Station coordinates with the planned regional roads as outlined in the Countywide Transportation Plan. Moorefield Station contains a Transit-Designed Supportive Area (“TDSA”) found by the Board to provide an appropriate transition to the surrounding development patterns offering a lower density mix of uses than the project core.

All modifications, clarifications and amendments proposed herein will be in keeping with the vision of Moorefield Station as a pedestrian friendly, transit oriented, mixed-use community, that will provide benefits to the community and public derived from a large coordinated project. The Ordinance modifications and Concept Development Plan (“CDP”) Amendments herein proposed serve to clarify, as the development progresses, certain nuances of the Ordinance and the CDP for the Applicants and the Community so that the original vision, intent and purpose of Moorefield Station and the PD-TRC District can be achieved. In this regard, the interpretations of the Ordinance and modifications to the CDP will clarify ambiguities, while leaving unaffected the project’s original intent, overall density, compliance and design goals and policies of the Comprehensive Plan.

B. Zoning Concept Plan Amendments

The ZCPA contains amendments to ZMAP 2001-0003 reflective of, among other things, changes in ownership for certain portions of the real property within the PD-TRC District since its adoption in 2002 and the proposed Ordinance modifications set forth below in section C.

The Applicants request that the Board of Supervisors permit certain lots within the TDSA to exceed 0.40 FAR provided the total floor area within the TDSA does not exceed 0.40 FAR. Note 14 on Sheet 2 of 27 states that although the total floor area for the TDSA shall not exceed 0.40 FAR, individual lots within the TDSA may exceed 0.40 FAR. Reference is made to Exhibit D where these lots are specifically identified.

Section 4-1107(C)(1)(c) of the Ordinance enumerates certain requirements that must be met for Board approval of lots at greater than 0.40 FAR within the TDSA . This submission meets these requirements as follows:

- (i) As stated in Note 14, the overall floor area ratio for the TDSA subarea will not exceed 0.40 FAR.
- (ii) Exhibit D to this submission identifies throughout TDSA, the land uses, their location, the floor areas requested for specific blocks and their land area acreages.
- (iii) A complete traffic analysis was performed at the time of rezoning of the property to PDTRC and this study has been recently updated. Please see Section F of this Statement of Justification for a discussion of Traffic, the prior Traffic Analysis and the update to this study.

- (iv) Floor area ratios will be shown on the Final Development Plan (“FIDP”) and the site plan for each lot and for the related segments/developments within Moorefield Station.
- (v) The CDP conforms with Section 6-1505; and
- (vi) Exhibit D to this Application shows the areas in which lots may have an FAR above 0.40 FAR and what FAR is requested by area.

On sheet 2 of 27, Note 15 sets forth the Phasing in the TDSA. The table lists the mix of uses at Car Phase and establishes what percentage each use category represents of either a required level at Rail Phase or total TDSA acreage. Footnotes to the table specify that calculations are based on individual land use types – residential uses are calculated using the number of residential units. Non-residential uses are calculated by square footage. The phasing plan provides a mix of uses in a balanced manner where office will be the predominate use, as per the Business Community policies of the Revised General Plan. Per Section 4-1109 (C), in order to exceed the minimum percentage in any one category, the minimum percentage in all categories must be achieved as evidenced by an approved FIDP.

This amendment is proposed to clarify 1) the original intent that the CDP contain the directive for land use mix and a phasing plan within the TDSA, 2) what measurement means shall be used within the CDP to delineate the permitted uses for nonresidential, residential and parks, civic and open space in the Car Phase and 3) the minimum percentage permitted by use in the Car Phase. Minimum percentages in all categories must be achieved as evidenced by an approved FIDP. The need for clarification results from Section 4-1109(A) of the Zoning Ordinance referring to “Gross Land Area” for the

CORE area and Section 4-1109(B) referring to the CDP but *not* stating the method of measurements for the TDSA. No change in original intent of the densities is requested although this amendment does provide clarity.

In addition, the ZCPA depicts Grandmoore Drive as a private street, rather than as a public street, as it was originally depicted on the CDP. The private street section is shown on the Sheet 8.

The ZCPA is attached hereto and incorporated herein by reference. A “Blacklined” version of the ZCPA, highlighted to show changes from ZMAP 2001-0003, including updates relating to adjacent landowners, changes to sheet numbers, added clarifying charts and exhibits, etc., is included for reference.

C. Zoning Ordinance Modifications

Section 6-1504 of the Zoning Ordinance sets forth the procedure for modifications to existing zoning. The Section states that no modifications shall be permitted which affect the uses, density or floor area ratio of a district. Moorefield Station Applicants propose no modification to the zoning designed to alter the maximum density or timing of development originally envisioned for Moorefield Station, although as noted in Section B above, Note 14 to Sheet 2 of 27 does permit individual lots to exceed 0.40 FAR provided the overall maximum density within the TDSA subarea does not exceed 0.40 FAR.

The specific Zoning Ordinance Modifications and Justifications are as follows *as they relate to Moorefield Station (ZMAP 2001-0003) only*:

1. **Zoning Ordinance Section 4-1117 (G) Parking Requirements.**

Section 4-1117 (G) currently reads as follows:

(G) Credit for On-Street Parking. In coordination with the Office of Transportation Services and the Virginia Department of Transportation, the Zoning Administrator may allow on-street parking spaces, located within 400 feet of the subject principal use to be credited to meet up to 30% of the off-street parking spaces for a particular development or building required by Section 4-1115(E) above. Such credit for on-street parking shall be included on the Final Development Plan so as to identify the particular development receiving the credit.

(i) *Proposed Modification:* Modify the language of Section 4-1117(G), Parking Requirements, to increase from 30% to 50% the amount of on-street parking spaces located within 400 feet of the recreational center planned for the OTDSA of Moorefield Station that can be credited to meet the off-street parking requirement for the development..

(ii) *Justification.* Moorefield Station is a transit-oriented development in which the use of *pedestrian* ways is encouraged (such as trails and sidewalks) as a means of traveling to and from amenities by those living and working in Moorefield Station. Owners request that Section 4-1117 (G) be modified to permit on-street parking within 400 feet of the recreational center located in the OTDSA of Moorefield Station be credited to mee up to 50% of the off-street parking spaces required for that use. The Zoning Administrator currently has such discretion within 400 feet for up to 30% of the required parking. Please see Exhibit B for a calculation of the required parking and a

display of how that requirement will be met. The recreation center to be served by these spaces is only open to neighborhood residents.

As noted in Exhibit B, there will be on-street parking spaces in excess of requirements within the 400 feet radius. Deeming excess parking in close proximity as unavailable to meet parking requirements for this amenity could have unintended consequences for the development of this particular area. Walking to and from the recreation center by residents is consistent with the philosophy embraced by pedestrian-oriented neo-traditional design. It is consistent with the PD-TRC concept that residents within such a close proximity walk or bike to their neighborhood recreation center rather than drive a few blocks and park a car. On-lot and on-street parking requirements for residences shall be met. Moorefield Station Owners request approval for use of an increased percentage of excess on-street parking within 400 feet of the recreation centers be credited to meet parking requirements for the amenity.

2. Zoning Ordinance Section 4-1119 Street Trees.

Section 4-1119 currently reads:

Street Trees. Trees shall be planted at a density of no less than one tree per twenty-five (25) linear feet along all areas dedicated for use for vehicular access. Such trees shall have a minimum caliper of 1 (one) inch and a height at maturity of 15 (fifteen) feet or more. If in the opinion of the Planning Commission at time of review of the Final Development Plan, upon the advice of the County Urban Forester/Arborist, that street trees will not survive in a

given location, substitute plantings or substitute locations may be provided.

(i) *Proposed Modification:* Modify the requirement within Section 4-1119 that trees shall be planted at a density of no less than one tree per twenty-five (25) linear feet along areas dedicated for vehicle use to exclude street trees along alleys and in sight distance easements.

(ii) *Justification.* No alteration of total Tree Canopy or tree count requirements as set forth in Sections 5-1303 and 4-1120 for developments within the Moorefield Station (ZMAP 2001-0003) is requested or implied with this modification. By this proposal, trees not planted in alleys or in sight distance easements shall appear elsewhere in the development but not exclusively along the street frontage. Exhibit C displays the areas within Moorefield Station where street trees that would have appeared in alleys will now be planted. The proposed modification recognizes the difficulty of survival of such plantings within alleys. By their nature and as examples, alleys have water, sanitary sewer, storm drainage and other underground utilities, transformers and telephone pedestals, and are used for refuse vehicles and vehicular turning movements for garages. It would be better to place these trees in locations more conducive to their long-term health as displayed on Exhibit C. In addition, Moorefield Station Applicants request that Street Trees that would be within sight distance easements along street frontage (because of a per linear foot requirement) also be allowed to be planted within the areas designated in Exhibit C. Moorefield Station Owners recognize the assistance provided by the Planning Commission and the County Forester at the time of FDIP in this regard but request this modification to supplement that assistance.

3. Zoning Ordinance Section 4-1121 (B) Development Setback and Access from Major Roads.

Section 4-1121(B) currently reads as follows:

Private Streets. Roads, serving single family attached, townhouse, and multi-family uses only, may be constructed to private street standards set forth in the Facilities Standards Manual, provided the following conditions are met:

(i) Proposed Modification: Moorefield Station Applicants propose that Section 4-1121 (B) be modified to permit private roads to provide access to a public safety center.

(ii) Justification: This modification is proposed to facilitate access to the existing Public Safety Center lot (Tax Map 93, Parcel 2) which lost frontage on a public road due to the vacation of the portion of Ryan Road, Rt. 772, abutting the Public Safety Center. This ZMOD corresponds to a proposed Proffer Amendment which is part of this Application (see Proffer Amendment, changes to II. Site Dedication G).

D. Traffic

The Ordinance modifications and CDP amendments herein proposed do not alter the density, timing of development or the mechanics of changes to density originally adopted for Moorefield Station. The proposal adopts the traffic analysis previously submitted for ZMAP 2001-0003 and the updated traffic analysis recently performed and attached hereto in the following manner:

1. As noted above, the ZCPA contains provision for conversion of Grandmoore Drive from a public to a private road. Grandmoore Drive is only two blocks in length. This conversion from public to private road will not alter the function or capacity of Grandmoore Road to carry local east/west traffic.
2. The ZMOD contains provision for a private street providing access to the Public Safety Center envisioned on PIN # 089-25-8906 (Tax Map 93, Parcel 2). Any street serving this specific purpose will carry minimal non-emergency type vehicles. Conversion from general required use language (from Proffers or Ordinance or as stated in County Referral) mandating access from a public street to access permitted from a private street in this instance solves an outstanding access issue specific to the public safety center site and does not impact traffic.
3. Section 4-1107(C)(1)(c) permits the Board of Supervisors to permit an individual lot within the TDSA to achieve an FAR in excess of 0.40 as part of approval of an amendment to an existing Concept Development Plan, provided certain information is provided by the Applicant, one of which is a traffic analysis showing no deleterious effects to the local or regional road network as a result of the increased concentration of the development, unless such deleterious effects are mitigated. The ZCPA requesting the flexibility to have some areas within Moorefield Station achieve an FAR in excess of 0.40 FAR is supported by the original traffic study performed at the time of re-zoning as that study was conducted assuming that there would be areas within Moorefield Station with an

FAR in excess of 0.40 FAR, provided the overall FAR was 0.40. This analysis has been updated to incorporate development that has occurred since the time of the original study. A copy of the updated, recent traffic analysis performed by Patton, Harris, Rust & Associates is attached hereto.

Respectfully submitted,



McCandlish & Lillard, P.C.